

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES EX REL FEDERICK
BANKS; KENNETH POSNER,

Plaintiffs,

-against-

NEW YORK POLICE DEPARTMENT, ET
AL.,

Defendants.

14-CV-10300 (LAP)

ORDER

LORETTA A. PRESKA, Chief United States District Judge:

On March 13, 2015, the Court dismissed this complaint under Rule 41(b) of the Federal Rules of Civil Procedure because Plaintiffs had failed to comply with the Court's January 29, 2015 order directing them, within thirty days, to each submit a completed request to proceed *in forma pauperis* ("IFP") application or pay the \$400.00 in fees required to file a civil action in this Court. On June 16, 2015, however, Plaintiff Kenneth Posner submitted a "Notice of Voluntary Dismissal with Prejudice as to Plaintiff Kenneth Posner" seeking (1) to dismiss all claims made on his behalf with prejudice; and (2) to remove him as a Plaintiff from this action. Plaintiff Posner attaches to the notice a certified statement he submitted in a similar case filed in the United States District Court for the Western District of Pennsylvania, *Banks v. NYC Police Dep't*, No. 15-CV-0054 (DSC)(LPL), and an order issued from that Court. In the statement, Plaintiff Posner asserts that Frederick Banks has filed, without his authorization, similar complaints in several different federal courts using his name and his address. Plaintiff asserts that the signature on the complaint is a forgery, that he does not know and has never met or spoken to Mr. Banks, and that he did not authorize Mr. Banks or anyone else to file the complaint on his behalf. Plaintiff also asserts that he has no complaints or grievances against the New York City Police Department or any of the government officials and other parties named as defendants

in the complaint. Plaintiff asserts that he wishes “to dissociate [himself] from the complaint and the unsupported charges as quickly as possible and without inviting further responses from [Mr. Banks].”

The Court has considered Plaintiff Posner’s notice and accompanying documents and finds that because this case is closed, to the extent the notice could be construed as a motion for voluntary dismissal, it is denied as moot. The Court does, however, direct the Clerk of Court to remove Kenneth Posner as a Plaintiff from this case and terminate the notice (ECF # 7).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: June 23, 2015
New York, New York


LORETTA A. PRESKA
Chief United States District Judge